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**United States of America
and
European Police Office**

**Agreement between the United States of America and the European Police Office
(with annex). Brussels, 6 December 2001**

Entry into force: *7 December 2001, in accordance with article 11*

Authentic text: *English*

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**États-Unis d'Amérique
et
Office européen de police**

**Accord entre les États-Unis d'Amérique et l'Office européen de police (avec annexe).
Bruxelles, 6 décembre 2001**

Entrée en vigueur : *7 décembre 2001, conformément à l'article 11*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE EUROPEAN POLICE OFFICE

Preamble

The United States of America and the European Police Office (Europol):

considering that it is within their common interest to enhance their cooperation;

considering that the Council of the European Union has given Europol the authorization to enter into negotiations on a cooperation agreement and to agree to the following provisions with the United States of America;

Have agreed as follows:

Article 1

Purpose

The purpose of this Agreement is to enhance the cooperation of the Member States of the European Union, acting through Europol, and the United States of America in preventing, detecting, suppressing, and investigating serious forms of international crime in the areas mentioned in Article 3 of this Agreement, in particular through the exchange of strategic and technical information, as defined in Article 2. This Agreement does not authorise the transmission of data related to an identified individual or identifiable individuals.

Article 2

Definitions

1. "Strategic information" includes, but is not limited to:
 - a. enforcement actions that might be useful to suppress offences and, in particular, special means of combating offences;
 - b. new methods used in committing offences;
 - c. trends and developments in the methods used to commit offences;
 - d. observations and findings resulting from the successful application of new enforcement aids and techniques;
 - e. routes and changes in routes used by smugglers or those involved in illicit trafficking offences covered by this agreement.
 - f. prevention strategies and methods for management to select law enforcement priorities;
 - g. threat assessments and crime situation reports.
2. "Technical information" includes, but is not limited to:
 - a. means of strengthening administrative and enforcement structures in the fields covered by this agreement;
 - b. forensic police methods and investigative procedures;
 - c. methods of training the officials concerned;
 - d. criminal intelligence analytical methods;
 - e. identification of law enforcement expertise.

Article 3

Areas of criminality to which the Agreement applies

1. The co-operation as established in this Agreement shall relate to the following criminal activities impacting on the United States of America or the Member States of the European Union:
 - a. unlawful drug trafficking;
 - b. trafficking in nuclear and radioactive substances;
 - c. illegal immigrant smuggling;
 - d. trade in human beings;
 - e. motor vehicle crime;
 - f. crimes committed or likely to be committed in the course of terrorist activities against life, limb, personal freedom or property;
 - g. forgery of money and means of payment;

as well as to illegal money laundering activities in connection with these forms of crime or specific manifestations thereof and related criminal offences.

2. Related criminal offences shall be the criminal offences committed in order to procure the means for perpetrating the criminal acts mentioned in paragraph 1, criminal offences committed in order to facilitate or carry out such acts, and criminal offences to ensure the impunity of such acts.
3. Where Europol's mandate is changed to cover areas of crime in addition to those set forth in paragraph 1, Europol may, from the date when the change to Europol's mandate enters into force, submit to the United States of America in writing a proposal to extend the scope of application of this agreement in relation to the new mandate. In doing so, Europol shall inform the United States of America of all relevant issues related to the change of the mandate. This agreement shall apply in relation to the new mandate as of the date on which Europol receives the written acceptance by the United States of America in accordance with its internal procedures.
4. Europol's definitions of the forms of criminality mentioned in paragraph 1 a) to e) and g) are included in Annex 1 to this Agreement. Whenever a change to Europol's mandate referred to in paragraph 3 entails the acceptance of a definition of another form of crime, such a definition will also be applicable for Europol where this form of criminality becomes part of this Agreement in accordance with paragraph 3. Europol shall inform the United States of America if and when the definition of an area of criminality is amplified, amended or supplemented.

Article 4

Point of contact

1. Each contracting party shall identify a point of contact to coordinate the application of this agreement.
2. These points of contact shall communicate directly with one another for the purposes of this agreement.
3. A Party may change the designated point of contact upon written notification thereof to the other Party.
4. The point of contact for the United States shall keep Europol advised, in writing, of the U.S. law enforcement authorities responsible for the areas of criminality to which this agreement applies, and functions that are to be carried out directly by such authorities.

Article 5

Exchange of Information and Confidentiality

1. Exchange of information specified in this agreement shall only take place in accordance with the terms of this agreement.
2. The exchange of information as specified in this agreement will take place between the points of contact designated under Article 4 and, as the points of contact consider appropriate, may include direct exchanges of information with the law enforcement agencies identified pursuant to Article 4, paragraph 4.
3. Information exchanged pursuant to this agreement shall be used for the purposes of this agreement and in the investigation, prosecution and prevention of criminal offences, and in proceedings related to criminal matters. Where one of the Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the Party that furnished the information.
4. Unless already in the public domain, information exchanged under this agreement will be treated as law enforcement information and afforded protections in accordance with domestic law and applicable regulations. Information marked as "Europol 1" to "Europol 3" shall be protected as "United States law enforcement sensitive material" and handled in the same manner as information of a similar sensitivity held by the United States of America. Europol shall treat "United States law enforcement sensitive